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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-187555

DATE: December 21, 1976

MATTER OF: Integrity Management International, Inc.

DIGEST:

1. SBA decision that concern a small business is conclusive and not subject to review by GAO.
2. Protest that contractor is affiliated with debarred firms and ineligible for award is not for consideration by GAO, since Service Contract Act provides that Federal agency head and Secretary of Labor are to enforce act; such enforcement powers including making determinations regarding affiliation.

Integrity Management International, Inc. (Integrity), has protested the award of a mess attendant services contract to Dyneteria, Inc., under solicitation No. DAKF14-76-B-0193, by the United States Army Support Command Hawaii, Fort Shafter, Hawaii. Integrity's bases for protest are that (1) Dyneteria is not a small business concern as required by the solicitation and the Army therefore was not authorized to proceed with the procurement absent a size determination by the Small Business Administration (SBA); and (2) Dyneteria is affiliated with two firms, i.e., Dynamics Enterprises and Dynamics International, which have been debarred for violations of the Service Contract Act of 1965, 41 U.S.C. § 351, et seq. (1970), and was therefore ineligible for award.

On October 28, 1976, the SBA determined that Dyneteria was a small business for this procurement. Under 15 U.S.C § 637(B)(6) (1970), the SBA's decision as to the size status of a concern is conclusive and not subject to review by our Office. La Crosse Garment Manufacturing Company, B-187243, September 2, 1976, 76-2 CPD 216, and cases cited therein.

Integrity's allegation that Dyneteria is affiliated with debarred firms and ineligible for award is also not for consideration by our Office, since the Service Contract Act provides that the Federal agency head and the Secretary of Labor are to enforce the act; such

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enforcement powers including making determinations regarding affiliation with debarred firms. See Dynaterra, Inc., B-186823, October 18, 1976, 76-2 CPD 338.

Accordingly, Integrity's protest is dismissed.

Melton Bristol
for Paul G. Dembling
General Counsel